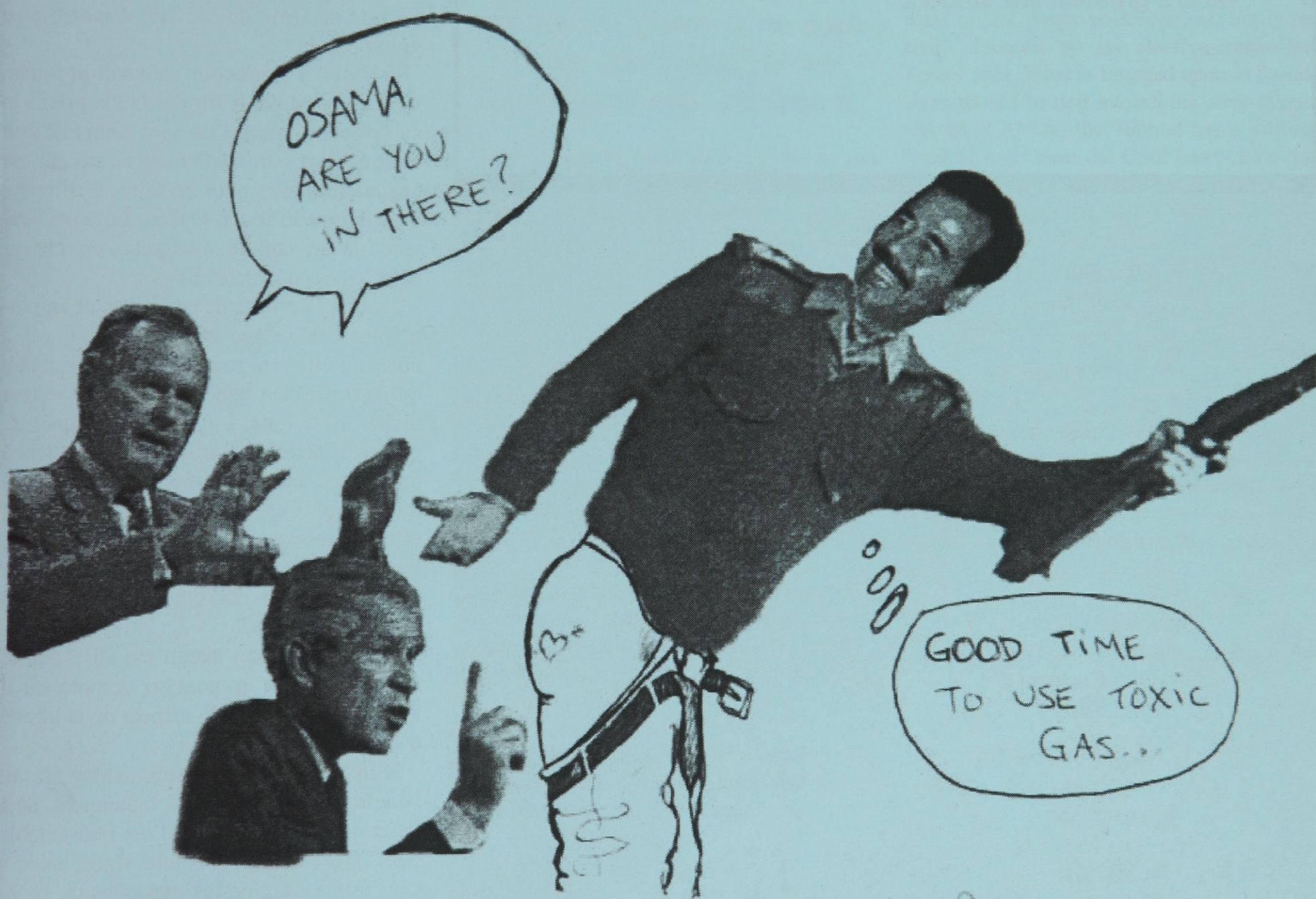


# Quid Novi

McGill University Faculty of Law  
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## Editor's Note...

Je vous propose ici le tout dernier jugement du Peel Moot Court:

### *Renvoi sur les politiques du Quid*

L'Honorable Juge Bonsens pour la Cour:

La question qui nous a été posée est celle des mesures que doit prendre l'équipe du Quid au sujet des articles qui lui sont soumis. Le mot "censure" est un petit mot qui crée de grands remous; il ne désigne pas non plus adéquatement la situation. Pourtant, la question est à savoir si *absolument tous* articles/sujets/propos ont leur place dans le Quid, journal étudiant de la Faculté de Droit de McGill, disponible au grand public.

La liberté d'expression est un droit fondamental; pourtant, le droit à la vie privée et au respect d'autrui l'est tout autant. Il faut donc évaluer rationnellement au cas par cas chaque article et pour ce faire, il convient d'appliquer le test d'Oakes. La cour suggère qu'un comité étudiant s'en charge dans les cas d'articles litigieux.

Quant à l'autorité de ce comité et en particulier des rédacteurs du Quid, il est à noter qu'elle sera maximale: il est entendu qu'ils travaillent bénévolement et que leur tâche n'est guère facilitée lorsque de malins étudiants en droit s'amusent déjà à jouer avec les règlements et les pousser à leur limite. Ces simagrées argumentatives et typiquement juridiques ne justifient pas les 15 laborieuses heures par semaine de négociation que doivent entreprendre les rédacteurs-en-chef.

Ceci ne veut en aucun cas dire que le comité exercera un pouvoir despote car il sera lui aussi lié par le respect de la liberté d'expression.

Finalement, un distinguishing serait bénéfique à tous ceux qui tenteraient déjà de crier injustice: certes il est indiscutable que TOUT article doit être signé, mais à ceci font exception les messages de la St-Valentin. Sur ce point, la Cour n'autorisera aucune objection (le principe de *Common Law* étant "no if buts or may").

-----  
Rosalie-Anne



# McGill Laws - where has the beef gone?

by Philippe Assouline (Law I)

Shyly do I submit this to the Quid. I am one of those students they talked about at the faculty-financing meeting – the ones who chose to study *McGill* law and not just go for a law degree. I studied Computer Science at McGill for 3 and a half years, earning a B.Sc I never used. During that endeavour, the approach was so hands off – I didn't *touch* a computer during my 4<sup>th</sup> semester – so as to leave *even* a quasi-philosopher as myself with considerable frustration. In a somewhat messianic way, that frustration turned to hope and eagerness as I contemplated *not* getting my hands dirty for yet another bachelor's; this time one with much repute and history behind it – one that touched upon the cornerstone of our world - Law.

McGill therefore seemed like the obvious place to study and understand Law and all its consequences, not *the* law. Here, I could delve into serious matters and explore the fundamental values that transcend mankind and come to shape our systems. Here, law could be studied as a social science, a social phenomenon, trans-systemically. Here I could learn to enjoy jazz music while debating after-hours with profs.

Well, it didn't really happen that way. After a semester of making denigrating comments to my friends about U of M and its practitioners approach, I find myself learning, well, rules basically. We learn when consideration is fresh, when there is a duty of care, what "others" means in the CcQ, what happens to dogs barking next door and median walls - all kinds of interesting, yet temporal, details. But no one has mentioned 'Justice' at

this point, except before a judge's name, as in "Justice Baudouin" etc. I'm starting to get the impression it should be more like "semi-consistently applying seemingly random rules Baudouin".

Now I know I seem impatient and arguably arrogant in making such claims. Let it be known that I thoroughly enjoy the logical intricacies of our field. I also appreciate the fact that we will surely have the privilege of appearing as flakes by taking later classes with titles such as "Theories of Theory II".

*Tell us what justice is, please... if there is no such thing, don't assume we understand why; explain it.*

However, it seems quite shocking that no one has mentioned morality or fundamental human values yet. Where is the mention of Canon Law, the influence of "sin" on our notion of fault? Shouldn't we talk about the Bible? What does "right" mean? What is law trying to achieve? How does it remain so relevant and formative in people's lives? Are there some 'beliefs' that still shape the law? Anything axiomatic? Such is the panoply of questions I expected to be answered that have remained wanting.

To be fair, some of these issues were broached at times. Professor Morissette - Justice Morissette - did delve into these topics in our foundations class. The result was enthralling and enriching. I saw myself studying forever, wearing bow ties and actually

shaving once in a while. We touched upon something that seemed deeper, more fundamental and perhaps more important than the rest. But Professor Morissette is gone for now, off to bang his head on the bench and give casebook-filling decisions and won't answer my emails.

All my other professors have also been quite interesting as well. They try to include deeper issues in the rules they teach. We talk about policy considerations and some history and they have frankly been all quite impressive teachers, but the *obiter* of deeper analysis feels like just that, something peripheral; it's the 2 minutes you take to relax from taking notes at a ridiculous speed while fending off the obscene cold of room 101.

I must also concede that the foundations class is still pretty philosophical, but is partially doomed by its elective-course-late-Friday aura. What is touched upon in foundations should be tied into all the other classes, shouldn't it? Ok, the Talmud has a different form of logic than the Civil Law - how does that affect contracts? If so many legal traditions are so fundamentally different, why do their effects so often mirror each other?

I guess what I'm yearning for is *philosophy of law* or some other option you'd never consider in high school. Tell us what justice is, please... if there is no such thing, don't assume we understand why; explain it. For everything we are taught, please give us background – tell us what we need to know to truly make it all trans-systemic and meaningful. Our professors are of such high calibre, it seems a crime to learn the 'how' of law from them while not really giving them a chance to teach us the 'why'. ■

## Watch out for the Quid's newly revised editorial policies....

*(coming up on pages 10 & 11)*



# IRAQ : to bomb or not to bomb...

by Elan Roiz (Law III)

I have to say, and I hope he doesn't take it too personally, because I like him as a guy, but I find Will Amos' opposition to the looming War on Iraq to be almost laughable.

Considering that he's the head of the Environmental Law Students' Association, his support for the maintenance of the status quo in Iraq is rather astounding. After all, it was Saddam Hussein who caused the greatest ecological disaster since the inception of the Industrial Revolution, when he decided to scorch approximately 1/6 of the Kuwaiti oil fields, as a parting gift to the people of Kuwait and the World.

For you to have some facts to judge his actions by, the figures I have say that Iraq intentionally released about 460 million gallons of crude oil into the Persian Gulf during 1991. In comparison, for those of you who remember the "slightly inebriated" Captain of the Exxon Valdez grounding his ship off the Alaskan coast, that resulted in a spill of 10 million gallons.

Also, if you think that the United States is primarily going to war because of its own oil interests, you may well be right. However, self-interests are first and foremost on the minds of most world leaders, and not just on George W's.

Do you think Iraq invaded Kuwait in order to free the Kuwaiti people from an oppressive and tyrannical regime in Kuwait? Or maybe it was because the tiny Emirate of Kuwait has vast oil reserves, and access to the sea. Do you think that France and Russia are so vehemently opposed to the war because of altruistic concerns for the safety and well being of the Iraqi people? Or perhaps they have their own vested interests in the oil-reserves staying under the control of the present Iraqi regime, and do not want the United States to grab a foothold in Iraq.

Believe me, Russia does nothing for the safety and security of its own citizens, so if you think it is alarmed by potential dangers to non-Russians, you're badly mistaken. As for France and Germany, one of our colleagues, whose name I shall emit, in case he does not wish to be mentioned, brought up a brilliant point. Since when have France and Germany ever agreed upon anything-and when they do, what are the chances that they are both right!

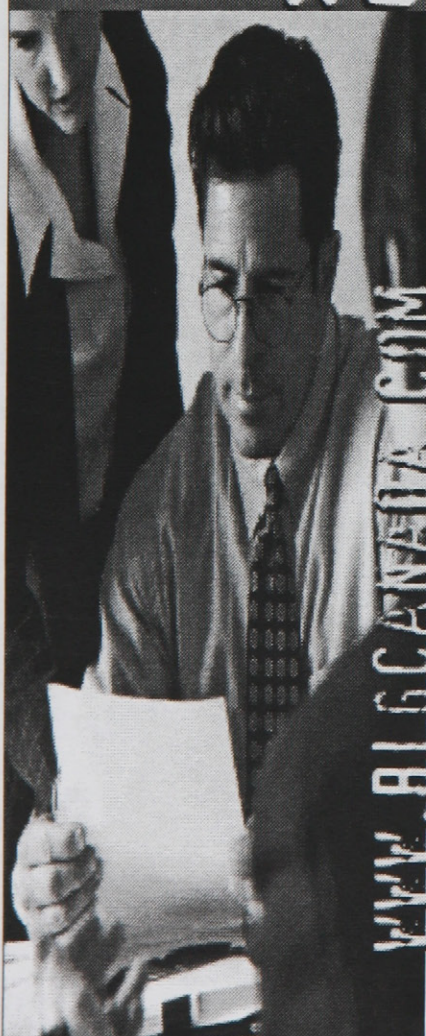
Here's a hint to you as to when a country's ruler isn't loved by his people. If in the last "election", the "President" was elected by a 99% majority, with over 99% voter turnout, you might be living in a dictatorship.

Shouldn't you feel bad about letting Saddam rule these people? If you were living under a dictatorship, wouldn't you want someone to come to your assistance? Once again, believe me, no one enjoys living under oppressive regimes. My father can tell you all about growing up in the Soviet Union under Stalin, and it's not as much fun as it may sound.

But, in case I haven't managed to convince you of the need to be done with Saddam, here's some more reason;


- Went to war with his neighbour Iran, from 1980-88;
- Was building a nuclear reactor in 1981;
- Invaded his neighbour Kuwait in 1990;
- Has systematically slaughtered all those opposed to him (including his sons-in-law);
- Dresses in military garb, with shotgun in hand when out in public (anyone who wears military uniforms as a leader of a country is clearly insane, in my opinion);
- Has already used chemical weapons within Iraq, against the Kurdish people;
- Launched Scud missiles at Saudi Arabia during the Gulf War;
- Launched Scud missiles at Israel during the Gulf War, although Israel was neither a member of the Allied coalition against Iraq, nor were its airfields being used by the Allied coalition;
- Numerous other reasons which I cannot think of at 3:54 in the morning; ►

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And for Dave Letterman, the Number #1 Saddam should be removed from power...

He has at least a dozen Saddam Hussein impersonators (does he think he's the Elvis of the Middle East?)

To conclude, fortunately, we've grown up in a generation which for the most part has not known the carnage and horrors of war. Unfortunately, we have not realized that Freedom isn't Free. ■

<sup>1</sup> I leave out all nuclear disasters, as I don't believe we can validly compare nuclear and non-

nuclear.

<sup>2</sup> I cannot confirm the accuracy of these figures, because I have picked them up off the Internet. However, I did check about 10 different websites, and the numbers I have chosen to use represent a median of the ones I found.

## Upcoming Anti-War Actions

by Jared Will (Law I)

**T**hough many people feel that the war in Iraq is inevitable, or at least out of their control, there are a number of resistance actions being planned for the coming weeks. For those of you who oppose the war, but feel that resistance is futile, let me offer two reasons to reconsider.

First, it's clear enough that were it not for the various forms of resistance, popular and political, that have mounted in the past months, this war would probably be underway already. This delay is important. There are a number of organizations working in Iraq trying to establish the necessary infrastructure

to prevent the impending humanitarian crisis. In a war of the type that the U.S. and its lieutenants will wage, far more people will be killed indirectly than will be directly incinerated and mutilated by armaments. Starvation and disease will be, in all probability, the leading causes of death for Iraqi civilians. The more time these organizations have, the better chance they have of saving lives.

Second, it's dangerous to consider this episode in international relations in isolation. The precedent that would be set by a "pre-emptive" strike is, at the very least, cause for concern. If the Bush administration's some-

what tortured logic-that a preemptive strike against an indeterminate threat constitutes self-defense and is therefore in compliance with international law-is allowed to become an acceptable norm in international relations, hope for international peace will become somewhat naïve. Massive international resistance to the act, even if it fails to prevent that act itself, may sufficiently undermine its potential to create precedent.

Everyone has a right to decide how they feel about the impending war, but I implore those of you who have decided that it is wrong to make your resistance felt. Hopefully many of you attended Saturday's march, and there are two other actions that need your support. (1) On Friday, February 21st, starting at 7:00am, there will be a non-violent blockade of the U.S. Consulate. For more information, email [bloquezlempiremontreal@yahoo.com](mailto:bloquezlempiremontreal@yahoo.com) or call 848-7488. (2) There is a pan-Canadian student strike being planned for March 5th in which professors will be called upon to cancel classes, and students will be called upon to boycott those classes that are not being cancelled so that we can all join together to voice our collective resistance. The SSMU General Assembly to decide on the strike is being held Thursday, February 20th at 4:00pm in the Shatner Ballroom. We need to make quorum, so your attendance is crucial. ■

## War, Howard Beale and The Legal Memo

by Erika Sasson (Law I)

**I**t has taken me a long time to figure out how I feel about the coming war in Iraq. There are compelling arguments on all sides that may all bring dire consequences. What can it mean for us that, despite our approval or disapproval, a savage war is on its way? Somehow it has entered my consciousness- despite many attempts to block it out, and to worry about Torts and Aaron Chase instead. Thoughts about Sarmiento's civilization vs barbarism paradigm enter my mind, although the actors keep switching roles and I find it hard to pinpoint the real caudillo in this situation. But lately I think about Peter Finch as news anchorman 'Howard Beale' in the great 70s movie *Network* and I wonder whether it could be possible today for our news anchors to scream out loud "I'm mad as hell and I'm not going to take it anymore."

Any day now a massive bombing campaign will be unloaded onto a population that has been suffering for many decades.

Whereas many people are quite distrustful, and reasonably so, of the reasons for the US to go to war, I do believe there are valid ones. While evidence of nuclear weapons in Iraq and a chemical/biological program has not been presented in a convincing way, the idea of Saddam Hussein with such access is frightening, for Iraqis, Americans and Israelis alike. Saddam Hussein himself is frightening enough, and I do not want to exclude Iraqi perspectives that see this war as a potential to remove a ruthless man and his Ba'athist terror. However, any unilateral action in the world's current precarious situation deters me from believing that a war will provide any long term stability or justice. I wonder what will happen after Saddam is deposed- will the Iraqi Shia living currently in Iran have their turn at an Iran-style Islamist dictatorship? Will the Kurds in the North lose any chance at a real Kurdistan and be sacrificed to the Turks as part of a NATO deal? Will Israel suffer the brunt of this war with scud missiles, etc,

again? Will the US use Gulf War tactics such as bombs filled with depleted uranium in order to drive out the madman and his chemical weapons?

As I write this looking on to St Denis in my overheated apartment, women are fleeing Baghdad with their children. The Iraqi government is handing out extra rations and people are entering survival mode. How does this matter to us? I'm not sure. Right now I should be writing my legal memo and probably as soon as I finish this article I will return to first-year hysteria. But it is with a certain amount of hesitation that I return to my former state. It is pretty hard to rationalize our place in the world, why one person has torts and contracts while another is hiding under buildings for fear of an almost certain death. Perhaps this is why I do not support the coming war. A strong enough case has not been made to show that this is the last resort. Until then, I'm looking to Howard Beale. ■



# NEWS ITEM - Bush Declares War, Exposing Small Penis

by Mike Brazao (Law I)

WASHINGTON - American president George W. Bush stunned the world yesterday by showing everyone that he has an extremely small penis. Though he never actually took off his clothes, the irrefutable evidence of his miniscule manhood was made official when he declared war on the nation of Iraq without any apparent justification.

First lady Laura Bush, who saw the president's pecker once after a tractor pull in Austin, was on hand to confirm the diagnosis. Speaking to reporters, she said it was 'about the size of a hanging chad', and 'harder to find than Al Gore's name on a Florida ballot'.

The historic announcement marks the first time the size of a presidential penis was not revealed by way of a White House intern.

Extreme smallness of the phallus - or micropenia, as it is known in the medical community - is a genetic disorder that is inherited from one's father. Its other principal characteristics are gross inadequacy in all facets of life, coupled with an insatiable desire for power and control at any cost. Famous historical personages who have suffered from this disorder include Napoleon, Joseph Stalin and Bill Gates.

Scientists warn that micropenia is especially dangerous when it is passed on in conjunction with another trait, known as richoprivilegedomonia. The combination of these two traits in the general population is about 1 in 100, though considerably higher

among Republicans.

Micropeniacs are often noted for their sporadic periods of intense craving for oil. In dire circumstances, they have been known to sacrifice the lives of American soldiers and third world civilians in order to obtain it. They also have a persistent fixation for the pursuit of long, phallic objects, such as nuclear warheads and other weapons of mass destruction. It has long been observed in the scientific community that micropeniacs will stop at nothing to make sure they - and only they - have the biggest missiles around.

Sadly, most micropeniacs harbour the intense delusion that occupying foreign lands and establishing puppet regimes therein will ultimately cure their condition. This remains a robust phenomenon in spite of all evidence to the contrary, causing many micropeniacs to pass from one conquest to another in a futile search for penile extension.

While micropeniacs have been spotted all over the world, their natural habitat is the southern United States, or any other locale that is rich in bigotry and well shaded from reason. They prey on affirmative action, Roe v. Wade, public health care, election recounts, and gun control. Their known predators include books, Reggae music, peace, tolerance, and world travel. When confronted with a perilous situation, their defence mechanism of choice is to bury their heads in the sand.

If you wish to ascertain whether someone

is a micropeniac without actually inspecting their equipment, a useful tactic is to ask them an intellectually nuanced question and observe whether their knee moves shortly thereafter.

If you come across a micropeniac, it is best not to approach him. He will likely have a gun or be driving while drunk. Run and get someone with an education, preferably a degree that wasn't bought with Daddy's money and connections.

If a micropeniac declares "war" on something, it is usually safe to assume he is overcompensating for something he is guilty of himself. This goes for whether the war is against terrorism, drugs, corporate corruption, or other immoral/scandalous behaviour. While the act of declaring war does cause a slight increase in the manliness of a micropeniac (thus compensating somewhat for his inadequacy), this is attributable to excitation rather than actual growth, and once the excited state passes the tiny tadger will resume its pitiful flaccid state.

There is no known cure for micropenia. It has steadfastly resisted the hippie movement, increasing multiculturalism, and the hole in the ozone layer. Attempts to surgically enlarge the diminutive unit of a micropeniac have never been successful in altering his behavioural characteristics. ■

## The Fetishism of Professors & Its Secret

by Edmund Coates (Alumnus I)

Romance is the secret behind the recent manufacture of financial alarm at McGill Law School; an alarm meant to lead first to the "Social Contract", privatisation's Trojan Horse, and then to privatisation itself. The current dogma is that the law school will need more and more money. The school will need to direct more and more resources to the salaries and benefits of golden-headed professors. This dogma encourages a retrograde image of the teacher's and student's respective roles. The illusions which reinforce this dogma parallel those seen in management. They will ultimately result in a mistrust of students. Some faculty members may even come to suspect that there is little learning save under the teacher's control. Of course, such a suspicion can become a self-

fulfilling prophecy.

This "Romance of Professors", the exaggeration of the contribution of teachers to learning, must be cultivated to smooth the road to privatisation. But the Romance will likely have been so strongly fed, once privatisation is achieved, that it will take decades for the law school to overcome this illusion.

Psychologists, sociologists, and scholars of administration have long known that people greatly overestimate the contribution of leaders to organisational results (e.g., Lieberman & O'Connor). While cultivation of these illusions benefits the leaders, it disempowers the followers (save for the flattering thought that they are the followers of such marvellous leaders).

Meindl, Ehrlich, & Dukerich dubbed this

phenomenon the "romance of leadership". After a review of the archival and experimental evidence, they found "that the development of a romanticised conception of leadership causes participants more readily to imbue the symbolic gestures of leaders with meaning and significance. Amazingly, the psychological readiness to comprehend things in terms of leadership, whatever the dysfunctions it represents, may play an important role in determining the ultimate effectiveness of symbolism as political tool, benefiting most those leaders who are adept at its manipulation" (at 99).

Pfeffer, Cialdini, Hanna, & Knopoff, demonstrate two illusions among managers. They draw lessons from these illusions, as to why managers resist trusting workers. The "faith in supervision effect" leads observers to attribute greater worth to work done under greater supervision than lesser supervision. The "self-enhancement bias" leads a►



manager to inflate her evaluation of activities or results, in proportion to her direct involvement. Students familiar with the Romance of Professors, can see the mesmeric trace of these illusions in their law school experience. In the pressured atmosphere of the law school, each illusion amplifies the hold of the other.

In his story, "The people, yes", Carl Sandburg tells a story which goes something like the following. At the time of the American frontier, a white man talks with an Indian. The white man draws a small circle on the ground in front of him, and says "this is what the Indian knows". The white man then walks eight or ten feet away and circles the Indian, saying "this is what the white man knows". The Romantics of Professors will stop the story here, but Sandburg continues. The Indian thinks a moment, walks a hundred feet away, circles the white man, and returns, saying "this is what neither the white man nor the Indian know". Of course, the Indian let the white man off easy. The Indian's, and most law students' circles will not be all that different in size to the white man's or the professor's. Taken together, the circles of knowledge of students in a McGill law class dwarf the professor's.

The law teacher's store of knowledge and skill is an important achievement, and calls for a measure of respect. But the best educational environment demands a certain modesty on the part of the teacher, paired with a certain modesty on the part of the student.

The law school should be a school of legal technique, but also a city of culture. It should nourish humanistic inquiry into how the law

***Romance is the secret behind the recent manufacture of financial alarm at McGill Law School; an alarm meant to lead first to the "Social Contract", privatisation's Trojan Horse, and then to privatisation itself.***

actually works, and into how the law should work, in the world, in peoples' lives and imaginations. These exchanges should be close to the centre of attention, rather than an after-thought or occasional luxury.

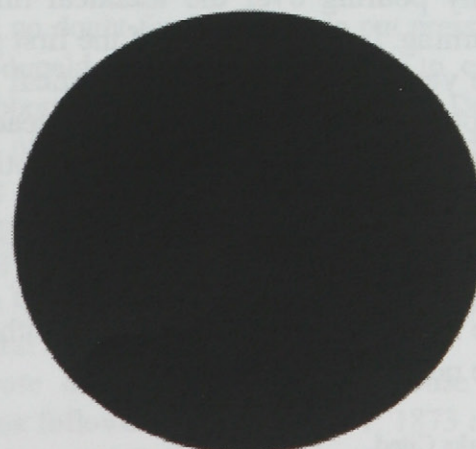
There is even a mercenary reason for this approach. Clients will hardly pay high prices for shortsightedness and pedestrian solutions. The most sought-after legal minds see problems far ahead. They find new, better solutions to old problems, and rapid solutions to new problems. All this calls for independence of mind and a broad creativity.

**Can Law Students Handle It?**

Some elements of classical Jewish education, highlighted by a 1973 article, have long struck me. In "Sophisticated Reading for Children: The Experience of the Classical Jewish Academy", Leonard Mendelsohn directed his critical comparison at children's public education. The neglect of these elements in a law school drives a far sharper reproach. The following extracts are from pages 36 to 39:

In [classical Jewish academies], every effort is made to bring together the child and the text, but there is no desire to transplant the mind of a child into the mind of an adult. On the other hand, the teacher, ideally a competent scholar in his own right, does not presume to adopt the outlook of the child. His task, simply stated, is to introduce to a child a body of essential material. The material itself is seen as possessing elasticity which will apply to his present world and which will also extend to the world of his parents and teachers. Thus, [...] classical Jewish academies from Babylon to Brooklyn have almost uniformly adopted as their primary texts the Pentateuch, the Prophetic writings, the Mishna and Gemora (Talmud), the Siddur (prayer book) and the Shulchan (Code of ►

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Jewish Law) - all works of considerable subtlety and sophistication, all unabridged, and all presented in their original languages.

These works are used both as primers and as post-Rabbinic texts, with no alteration in diction or syntax. [...] In the first grade of a typical yeshiva, as the classical academy is called, students begin translating passages of the Pentateuch from the Hebrew into the vernacular. They are taught to proceed word by word, without skipping difficult passages or avoiding the complexities of grammar. The teacher is always present to expedite matters. The young child is encouraged to repeat the translation in his own words. Precise rendering of the words and suggestive paraphrase are used to assure that the student grasps the meaning. The state of childhood remains intact, but the teacher has established for the child a bridge between his world and a work which will now be a prominent structure in this realm, as well as one which will serve his intellect and life style as he matures.

By the fourth grade a student has encountered, at least to some degree, all of the texts mentioned above, even some complex sections of the Gemora. He learns, for example, problems of ownership and acquisition, and the distinction between objects which have been lost and those deliberately abandoned. He discovers the necessity of definition, as in the word "scattered", which refers to certain minimum quantity of produce strewn over a minimum area. These problems have virtually no parallel either in kind or in complexity to anything in an elementary or high school curriculum, as they are rarely dealt with outside of law school. But the study has numerous practical applications, even for the young child. How, for example, does one decide ownership of a quarter found on the playground? Would it matter if this coin had been found instead in the chapel? How does someone acquire ownership of an object? How is possession legally transferred? These questions are discussed in the text of the Gemora, and they certainly have relevance to the everyday world of the young student.

The same Talmudic text which presents these sophisticated legal problems will contain equally instructive and delightful tales to illustrate these important principles. All of the study is in the Aramaic original in a text which has not been simplified, adapted or abridged. Furthermore, none of the texts presented to young children are expurgated or bowdlerized. It is in fact forbidden by Jewish Law to abridge, expurgate or for that matter, even to skip over what might be considered controversial passages. Thus children even in

the early primary years read unabashedly about the attempt of Potifer's wife to seduce Joseph, of the twin fathered by Judah upon a woman he thought to be a prostitute, and of the rape of Dinah by Shechem. No teacher qualified to teach in a yeshiva would ever presume to act as censor of a holy work. He must therefore address himself solely to the task of bridging whatever gaps may exist between the student's understanding and the text itself. [...]

While it would be misleading to imply that every first grader could grasp the meaning of every line of Genesis even in a superficial sense, every student does learn that each line has extended possibilities. [...] Even though the student is not yet capable of referring to Rashi (this study generally begins in the second grade), he sees the commentary with his own eyes [at the bottom of the page] and he knows that it explains what he is reading. He knows that his teacher frequently consults this commentary and incorporates it in his explanation to the class. "Zugt Rashi", i.e., Rashi says, is perhaps the most familiar phrase in yeshiva terminology. The mere presence of this commentary is visual evidence that there is more to be learned, even on the same page he has continually studied. Instead of learning becoming a perpetual exercise in replacement, relegating used-up readings to a scrap heap of out-grown garments, as is so often the case in the public school system, yeshiva students acquire a reverence for the text which is in front of them, and also for the learning process which has joined them to it.

It is of immeasurable benefit to be dealing with a text which will yield further fruits with additional endeavours. Certainly it is less likely that a bright child will be misled into thinking he has thoroughly mastered material when he sees that his teachers are still continually pouring over the identical lines he is learning. [...] The texts of the first grader in the yeshiva [...] are the identical readings explored daily by his parents and teachers. As a result of this perpetual and subtle set of reminders of the infinite depth and potential of the subject matter he is pursuing, the phrases "I have read" or "I have already learned" are never used, since finality is neither possible nor desirable".

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## BEAR LEFT Urban Safari (Bear Left Records)

(by David Perri, Law I)

**Y**ou want to know what made the triumvirate of Robert Smith (The Cure), Morrissey (The Smiths) and Frank Zappa so cool? They were all credible in their own innocuous, trademarked ways, yet those gentlemen still had the vision and foresight to keep things listenable, tangible and raucous. Yeah, Robert and Moz moped and Zappa toked, but you were able to find infectious energy in the work of all three, much to the enjoyment of the (relative) masses. And that's kinda where I stand with Bear Left, featuring none other than fellow McGill Law student Howie Kislowicz and his two McGill alumni compatriots, Matt Wiviott and Shai Korman. If you were lucky enough to catch this band live at a sold-out Cafe Campus on February 8th, you know exactly the type of up-beat sonic splendour Bear Left puts forth with abandoned recklessness. Encapsulating the spirit of a hypothetical neo-jam band movement (i.e. taking cues from Phish yet making the sound all its own), Bear Left comes off just as fun-time and exuberant on record as in concert. There's a certain charming neuroticism to the title track or "Donnie Brasco" ("I got this feeling that things wouldn't work out/When she said to fuck off and get a haircut"), yet Bear Left is able to also convey depleted and despondent songs at a moment's notice. Take, for example, "Dear" which recalls the best of Mark Knopfler and Dire Straits, while "Maria Ann" is a moving tribute to a victim of the Hebrew U. terrorist attack in Israel. I think David Byrne (Talking Heads) will be proud when he eventually hears this band's work. Byrne is a forward-thinking guy who understands post-modern inconsequentialism: it's like, you don't have to do it, but it'll be damn fun anyway. Oh yeah, Bear Left is seriously in debt because of recording and production costs, so if you want to buy a copy of Urban Safari see Howie. He's probably in some of your classes, so keep it real/don't front and support local talent. ■



# Watch out for the Quid's newly revised editorial policies....

*(coming up on pages 10 & 11)*

## McGill's Greatest Law Student - the Unknown Scholar (He caused "the Pacific Scandal" and the fall of the government)

by Professor Tetley ([william.tetley@mcgill.ca](mailto:william.tetley@mcgill.ca) - <http://tetley.law.mcgill.ca>)

Who is McGill's most famous law graduate? Perhaps Canadian Prime Ministers, Sir Wilfrid Laurier or Sir John Abbott or Supreme Court Judge Pierre Basile Mignault?

There is no contest, however, as to who is McGill's greatest law student. Unfortunately his name seems to have disappeared in what historians call the mists of history (when their researchers can't find the answer). No doubt, too, he did not want to publicize what he had done to merit such fame - for it was he, who directly caused the resignation of Prime Minister Sir John A Macdonald and his government in November 1873, and then its defeat in the general election which followed in 1874.

The story is part of Canadian history. To fulfill the promise to British Columbia, which joined Confederation in 1871, a railway was to be built across Canada to Vancouver. Macdonald, as Prime Minister, properly wanted a Canadian route but awarded the concession to Sir Hugh Allan, President of the Bank of Montreal, who was the strongest of the three contenders. Allan wanted the rail line to go through the United States as a concession to friend and fellow investor, American Jay Cooke. Macdonald opposed and Allan immediately used large funds and gifts of stock to buy-off influential businessmen and the press in order to have the American route accepted. Allan spent over \$365,000. As a matter of course he had also

helped the Conservative Party in the election of September 1, 1872, apparently providing Macdonald (\$35,000), Georges Etienne-Cartier (\$50,000) and Hector Langevin (\$115,000). Macdonald, Cartier and Langevin were each Conservative organizers in a number of constituencies and used the monies for electoral purposes.

Six days before the election, Macdonald who had overspent, sent a telegram which read: "I must have another \$10,000. Will be the last time of calling. Do not fail me. Answer today." Allan kept the telegram in his files and then gave it to his lawyer, John Abbott, for safe-keeping, and no doubt for future use to put pressure on Macdonald, if the occasion were to ever arise. Abbott had a law office but was also Dean Of Law of McGill (1855-1880). The Liberals, smelling a scandal, began assembling documents and a law student in Abbott's law office stole the telegram and it was eventually produced in the House by Lucius Seth Huntingdon, the Liberal member for Stanstead.

A vote of confidence in the House of Commons followed on November 1, 1873 and the government fell. Donald A. Smith, the independent member from Selkirk, Manitoba, gave the deciding vote after letting the government dangle in the wind by concealing his intentions during the debate, which raged for six days. The resulting general election, on January 22, 1874,

was fought on the issue of the "Pacific Scandal" and Macdonald and the Conservatives lost.

The various players in the epic were able to rise from the ashes. Macdonald became Prime Minister again in 1878 and died in office. The Railway did eventually go through Canada and the Dominion was saved. Donald Smith supported Macdonald in the election of 1878, backed the CPR railway project, drove in the last spike on November 7, 1885, made a fortune, was knighted in 1886 and became Lord Strathcona, in 1897. In 1891 Sir John Abbott became Prime Minister of Canada for a year on Macdonald's death. Sir Hugh Allan also made money out of the Railway, shipping, banking and everything else he touched. His large home is still seen today at the top of MacTavish Street (above Pine Avenue) and is the centerpiece of a large medical institute known as The Allan Pavillion. Langevin returned as a Cabinet Minister in 1878 and was knighted by Queen Victoria in 1881.

Thus, in the end, all the rascals prospered. The only one who seems to have been unrewarded was McGill's most famous law student, who is still unknown.

Let this be a lesson (albeit of considerable, philosophic complexity), to us all at McGill Law Faculty. ■



# Politique éditoriale du Quid

Suite à vos commentaires, le Quid a voulu clarifier sa politique de "censure". Comme le Quid appartient aux étudiants, il nous semble essentiel d'adopter une politique transparente qui garantisse la liberté d'expression tout en protégeant les intérêts individuels.

Vous trouverez ci-dessous des principes qui sauront, nous l'espérons, guider vos contributions. Bien qu'ils aient été élaborés après consultation auprès des étudiants et des discussions informelles avec les membres du LSA, ils ne sont bien entendus pas parfaits: si vous avez des commentaires, ils sont les bienvenus, à l'adresse [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca).

.....

Dans la mesure du possible, le Quid publie tous les articles qui lui sont envoyés. Toutefois, pour favoriser un climat dans lequel chacun se sentira à l'aise de partager ses opinions, il est entendu que, à la discrétion des rédacteurs en chef, certains articles pourront voir leur publication différée, et dans les cas extrêmes, refusée.

## Articles anonymes

Ayez le courage de vos opinions. Les articles anonymes ne seront pas publiés. Bien que nous ayons dans le passé publié de tels articles, ils seront dorénavant rejetés. L'auteur peut choisir d'utiliser un nom de plume, mais il devra fournir son nom complet, qui sera inséré à la fin de l'article. Aucune exception ne sera accordée.

## Principe général de courtoisie

Nous rappelons aux auteurs que le Quid est lu autant par les étudiants que par les professeurs, l'administration et le staff de soutien. Il est également accessible par Internet, à l'adresse <http://www.law.mcgill.ca/quid>. Pour assurer que les articles respectent le public auquel ils sont destinés et contribuent positivement à la vie de la Faculté, nous demandons donc aux auteurs d'avoir à l'esprit les facteurs suivants:

- Personne n'aime se faire dénigrer. Si vous avez des rancœurs personnelles, ne vous servez pas du Quid pour les assouvir. La plupart d'entre nous sommes des êtres humains: évitez d'être inutilement agressifs, ou basement méchants.
- Certaines personnes tiennent à leur réputation en dehors de NCDH. Or, le Quid étant présent sur Internet, son contenu est accessible à tous (employeurs, famille, amis, etc.). Cette information est disponible à partir des moteurs de recherches publics - propos désobligeants et accusations gratuites incluses. Utilisez les noms de vos collègues avec précaution.

Bref, respectez vos collègues, et ils vous respecteront.

## Cas extrêmes: le comité de rédaction

Dans les cas qui l'exigent, un comité de rédaction sera établi pour décider de la publication ou non des articles en jeu. Le comité sera formé des membres de l'équipe du Quid et d'étudiants choisis au hasard parmi ceux qui en auront manifesté l'intérêt (vous pouvez le faire en écrivant à [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)). Afin de laisser au comité le temps suffisant pour se faire un avis, la publication des articles visés pourra être retardée.

Le comité de rédaction pourra se baser sur les critères suivants:

- Les propos sexistes, racistes, homophobes sont à proscrire.
- La diffamation et les insultes ne sont pas les bienvenues et doivent être découragées.
- Les propos autrement blessants doivent être évités. Si des propos visent un individu précis, le fait que l'individu en question ait pris connaissance de l'article et y ait consenti jouera en faveur de sa publication.

Le comité fera dans la mesure du possible des recommandations pour rendre l'article publiable, mais n'est pas tenu de le faire. La décision finale sera prise par les rédacteurs en chefs, suivant les recommandations du comité. Elle sera communiquée à l'auteur en même temps que des suggestions pour rendre son article publiable.

Advenant le cas peu probable où un article serait ultimement refusé malgré ces efforts, une mention apparaîtra dans le Quid, expliquant brièvement les raisons du refus et le nom de l'auteur si celui-ci le souhaite. (Aucune mention ne sera faite dans le cas où un article est rejeté parce que l'auteur veut rester anonyme.)

En tous les cas, toutes les opinions exprimées, publiées ou non, sont propres aux auteurs et ne reflètent pas nécessairement les vues de l'équipe du Quid.



# Quid Editorial Policy

Following some of your comments, the Quid wishes to clarify its "censorship" policy. Since the Quid belongs to all Law students, it is essential to adopt a transparent policy that will guarantee both freedom of expression and the protection of individual interests.

You will find below some principles that we hope will guide you when you write your articles. While they were developed after consultation with students and members of the LSA executive, they may not be perfect: we welcome your comments at [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca).



Wherever possible, the Quid publishes everything submitted. However, to encourage a climate where each student will feel comfortable sharing their opinions, it is understood that certain articles may be edited, and in extreme cases refused, at the discretion of the editors-in-chief.

## Anonymous Articles

Please have the courage to stand by your opinions. Anonymous submissions will not be published. Though we have in the past made exceptions to this rule, any future unsigned articles will be rejected. The author may choose to use a pseudonym for literary purposes, but must provide their complete name, which will be inserted at the end of the article. No exception will be made.

## General Principle of Courtesy

We remind the authors that the Quid is read not only by students but by professors, administration and support staff. It is also available on the Internet, at <http://www.law.mcgill.ca/quid>. To insure that the articles respect the intended audience and that they contribute positively to life in the Faculty, we kindly ask the authors to bear in mind the following:

- No one likes being denigrated. If you have personal grievances, do not use the Quid to air them. We are all human beings: please avoid overly aggressive or disparaging language.
- Some people are concerned with their reputation beyond NCDH. Since the Quid is on the Internet, its contents are available to all (employers, family, friends etc.). All articles can therefore be found through simple web searches - baseless accusations and distasteful innuendo included. Use the names of your colleagues with care.

In short, respect your peers and they will respect you.

## Extreme Cases: Editorial Advisory Board

In exceptional cases an editorial advisory board will be called upon to decide whether to publish any questionable articles. The board will be made up of members of the Quid team and randomly chosen students among those who have shown an interest (you may do so by writing to [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)). So as to leave the board enough time to reach a decision, the articles in question may be held back.

The board may base its decisions on the following criteria:

- Sexist, racist or homophobic language should be proscribed.
- Defamatory remarks and insults are unwelcome and should be discouraged.
- Otherwise hurtful remarks should be avoided. If the article targets one individual in particular, the fact that the person in question has been contacted and has consented to the article's content will weight in favor of it being published.

The board will whenever possible suggest changes that will allow the article to be published, but is not required to do so. The final decision rests with the editors-in-chief, following the recommendations of the board. It will be communicated to the author along with suggested changes to make the article fit for publishing.

In the unlikely event that an article is rejected despite these efforts, a note will be printed in the Quid, briefly explaining the reasons for rejection, as well as the name of the author if he/she so wishes. (No note will be made in the case where an article is rejected only because the author wished to remain anonymous.)

In all cases, all the opinions expressed, whether they are published or not, are those of the authors and do not necessarily reflect those of the Quid.



# Itinerants Unite!

by Mark Georges (Law III)

Upon continual conversation with veteran consultants stationed on the streets (and I mean the streets. Shi' Cracka!), I have come to the conclusion that certain citizens are being denied fundamental liberties and by this have special needs that have to be dealt with in special ways, not to sound redundant or anything. How I came to this conclusion is a succinct and enlightened question that I will attempt to answer in this here article, in order to not set myself up for a fall. The pondering process commenced a few weeks ago as I rushed to catch a bus to hopefully attend an 8:00 o'clock class. Running frantically towards the ultimate goal, I saw my mode of common transportation (transports en commun pour les civilistes) steer off awkwardly towards a class I was obviously going to be late for, so I slowed my pace and huffed and puffed to the nearest metro station in order to, yet again redundantly, huff and puff my nicotine breakfast. The recycled, warm air of the Côte-des Neiges station was inviting given the bitterly cold alternative. The wind chill factor is what got you, freezing snot and other bodily fluids to their initial orifice. Graphically is the only way to describe this type of cold- which is a good segway for what is to come.

Thankfully, buses at 7:30 am are anything but few and far between, especially on Côte-des-Neiges. My wait would be minimal, but informative. Force of habit, I dug into my pocket to find the object of my craving. No sooner did I hear a voice solicit, meagerly but persistently. A man with much baggage sat before me in a trench coat and sneakers, expecting something I could obviously give him. As I opened the pack, one lonely lucky cigarette awaited, much to my chagrin, given the price of cancer sticks these days. But also given the lack of resources in face of a demand I was willing to accept willingly seconds before. Seeing the pack as half full, j'ai allumé la clop avec une condition, filé quelques puffs à Mr. X avant de retrouver mon chemin.

Il a semblé apprécier mon geste, reciprocating by offering his hand and a seat next to him and his possessions. I accepted the shake but declined his second invitation in order to spot the 165 from a standing position. "Ça pas été facile pour moi" Jacques started. "Ben, des fois, c'est pas facile" I added. "Ouin ouin, t'as raison mon homme." Mais ça

# Dear Dr. Jenny

Law school can be a difficult and confusing three to four years. Many of us start to feel that maybe it just isn't worth it, that living through high school again is an ordeal we'd rather not have to face. Much of this anxiety is a result of feeling alienated and lost in a world where no one seems to care about what you think (really, they don't). Dr. Jenny is here to help. In this column, Dr. Jenny will help you get through law school by distributing sound advice to those who need it most. If you have a question or concern that's been eating you, and you haven't written a god-awful article about it yet, we welcome your queries at [deardrjenny@yahoo.ca](mailto:deardrjenny@yahoo.ca).

Dear Dr. Jenny,

I have many opinions in my head that I want to share. There are so many useful discussions going on right now that I would like to get involved in - like ranting ad nauseam about the evils of corporate law or the accessibility of post-secondary education. I am very good at reading things into what other people say (to the point of being offensive), misquoting my peers, and I always hear only what suits my purposes. Despite my well-reasoned and justified opinions, people don't like me! Dr. Jenny, what should I do?

-Wannabe Writer

Dear Wannabe Writer,

Don't worry, there is little chance that anyone will ever like you. Might as well just accept it. As for your ideas and thoughts, you can write articles for the Quid. The Quid publishes anything, no matter how useless, self-righteous, or uninformed. They won't even correct your bad writing! After all, they are publishing me, aren't they?

-Dr. Jenny

Dear Dr. Jenny,

I don't know what to do with all my free time. I've finished all my readings (required and optional), I've created case summaries, class summaries, summaries of summaries, and mini-summaries, and I've even written a couple extra papers, in case I get another assignment. What should I do now?

-Keener McNerd

Dear Keener,

Some people like to make friends to enrich their lives. Others join clubs, both in and out of the faculty. If these options are a little too "out there" for you, why don't you write articles for the Quid? Given the absence of discretionary power on the part of its "editors," you can express all your opinions that no one cares about, and degrade people whose opinions differ from yours. A lot of others have taken this route, so why not give it a try? ■

-Dr. Jenny

by Carol Gagne and Pauline Gregoire (Law I)

veut pas dire qu'il est correct tout ça. "

Jacques est un parmi des milliers de gens démunis qui vivent dans la rue, sans adresse ni identité sociale. Il est un "bum" de profession. Il couche dans un lit quelques fois par mois, et préfère une cannette de 50 le matin qu'un p'tit déjeuner. To quote the late great Dédé Fortin, Jacques' situation can be resumed as follows: "Ch't'allé me chauffer les fesses au bureau de B.S., Mais on peut pas t'aider si t'amènes pas d'adresse, ça fait qu'j't'allé m'checker un p'tit logement 2 pièces. On peut pas t'le louer, t'as même pas d'B.S. ! " Pas facile bonhomme, pas facile,

especialy considering the resources available to the anti-protagonist in this story. However, the reality of this same story is complicated by a web of underlying legal, social, and most notably, economic constraints.

At the heart of the formal dialogue beats a tension between two rights: liberty and treatment. It is an undeniable fact that most individuals in Jacques' position are in need of some sort of psychological treatment. Hell, if I slept on a cement bed, alone, without any plan B day in and day out, I think I would need a little guidance as well. But how can these two legal rights be distinguished? ►



Well (and I pause), maybe a qualification can be used to enlighten the discussion. Legal rights are empty gifts - indeed, cynically paternalistic - if those to whom the rights are attributed do not have the means to exercise them meaningfully. Concern for the legal rights of users must inevitably address the lack of power they experience within the mental health and justice systems.

During the 1970s, a convergence of well-known factors permitted some progress in the recognition of the rights of users of the mental health system, at least on paper. In the particular context of that time some users and their lawyers succeeded in convincing the courts that the users have at least some legitimate rights - such as the right to treatment, the right to informed consent, the right to refuse treatment, and, arguably, the right to least restrictive care. In general, these rights had the support of a variety of actors having *(Itinerants unite!, cont'd)*

power or influence in the system: lawyers, civil libertarians, caregiving professionals, and family members of users. However, notably absent from the policy arena at that time as well as today has been the voices of the users themselves. The courts listened to the lawyers and professional witnesses, and the legislators listened to the parent and friend lobby groups, but the users themselves were almost never heard.

Today, the rights of users are interpreted, transformed or ignored by the judicial system, by numerous care and treatment professionals and by the administrative structures of services. For example: the legislative regime in Québec addressing such issues can be found in the Protection Act enacted on June 1, 1998. The main thrust of the reform has been to harmonize numerous related sources of mental

health law in order to give primacy to C.C.Q. provisions in this area. One medical writer was of the opinion that the document was overly legalistic and that the goal of the act was to make it more difficult to hospitalize and thereafter to keep patients in hospital, which will lead to discharging patients under 'questionable circumstances that are not dictated by good clinical judgment.'

So who's to blame for this obvious deficiency (especially in urban centers) in the social safety net that Canada boasts so proud-

**"Ch't'allé me chauffer les fesses au bureau de B.S., mais on peut pas t'aider si t'amènes pas d'adresse, ça fait qu'j't'al-lé m'checker un p'tit logement 2 pièces. On peut pas t'le louer, t'as même pas**

ly under the veil of universal healthcare and the like. I am from Gaspé, une place où la soupe au sel a été au menu plus souvent qu'autrement durant les 20 dernières années. Chez-nous, on n'a jamais été à l'abri des cycles économiques qui ont provoqué la fermeture de Murdochville (où le cuivre et non le sel était le souci primaire) et plusieurs autres industries de ressources naturelles telles que la Gaspésia (usine de pâtes et papiers) à Chandler. Pourtant, personne là-bas ne dort dehors. C'est ben sûr qu'on mange nos bas pour souper, but no one is literally in the street. How come? Rhetorical as it may seem, this question comes up everyday when change is exchanged between total strangers without question. Ici à Montréal, le cycle social s'arrête là. And I think that is one of the root characteristics to the many questions at hand.

L'approfondissement d'un tel argument n'est guère facile car le problème rassemble à

un bottomless pit. Comparisons and concessions can be made, legislation can be scrutinized and fundamentally, priorities will have to be revised and replaced in order to achieve a semblance of democratic worth for les "citoyens de la rue". Adages such as "Act locally, think globally" seem to have lost their edge in the game of social awareness leaving urbanites and others desensitized to urging community interests. As flagrant as they might appear to be, collectively we observe them with a blind eye while focusing on other issues with a wink of self-consciousness.

So as my half cigarette was left burning, Jacques kept his eye on the prize while I stood waiting for my lift to higher education. My quota being attained and the bus waiting on the preceding street corner, I handed my burning thoughts to Jacko and boarded a half full bus to Doctor Penfield where I would continue my habitual trek. But still I think of how tough it must be to wear a certain person's sneakers as life and people pass by without a care in the world, or for me. La vie est dure pour les cowboys du Québec, ça va sans dire. Les Cowboys Fringants diraient même qu'on (et je parle des Québécois de racine, ou assimilés) n'est que les porteurs d'eau des grandes corporations anglo-canadiennes et américaines. However true this statement may be, ça ne répond aucunement au problème actuel. I guess exposing a problem is much easier than explaining ways of how to remedy it. I know talking to bums isn't necessarily the most conventional way of decrypting the code, but it definitely points me to the right article (26-31 C.c.Q.). ■

<http://www.journal.law.mcgill.ca/arts/454brown.pdf>

## The Status of Sex Workers: A Human Rights Workshop presented by Lainie Basman of STELLA

by Anna Matas (Law I)

Stella is a community-based organization devoted to fighting discrimination against sex workers. Organized by current and former sex-workers in collaboration with partners from other community resources and institutions, Stella offers support and referral services to sex workers. They also organize a va-

riety of outreach initiatives, including a drop in center, information and education sessions and ConStellation magazine. Stella advocates the decriminalization of prostitution, and is active in trying to make people aware of the realities surrounding sex work. Their primary goal is harm reduction, motivated by a desire

to make the lives of sex workers safer and more dignified. The workshop on February 12 covered the current state of laws related to the sex trade, the differences between legalization and decriminalization and human rights issues related to prostitution.

The Canadian Criminal Code does not ►



prohibit prostitution. So, trading money for sex is legal in Canada. Though this comes as a surprise to many, the current laws criminalize only the activities surrounding prostitution. For example, it is illegal to communicate in a public place for the purpose of buying or selling sexual services. "Bawdy houses" - places kept, occupied or used by at least one person for the purposes of prostitution or indecent acts - are also illegal, as are procuring and living on the avails of prostitution of another person.

The enforcement of these laws is pursued with variable rigor, and often in response to complaints. The net effect of this is that the sex workers who form the street trade are targeted more often than those that work indoors. Prostitutes are still charged with greater frequency than their customers, and there are no "diversion programs" available to prostitutes as an alternative to a criminal charge. In some municipalities it is possible for men charged with communicating for the purpose of buying sexual services to attend "john school" (a day of education and counseling on issues related to prostitution) in exchange for having the criminal charges against them dropped.

In addition to the disproportionate number of communicating charges faced by prostitutes, they may also be targeted by police in other ways. It is common for sex workers to be tick-

eted for various banal offences (including jaywalking and spitting) in an attempt to force them out of sight or out of a particular neighbourhood. The effect of discriminatory ticketing is that sex workers are further marginalized and may be more reluctant to seek police help when they need it. It should be evident that sex workers have the same right to this protection as any other person. However, the barrier created by the unequal treatment by the law prevents many from trying to obtain it.

The Bloc Québécois has recently proposed legislation that would legalize prostitution under certain conditions. A system of licenses would be made available, tied to conditions such as acceptable locations of work and health standards. However, it is debatable whether any system of legalization will provide sufficient protection for sex workers. A licensing system still involves stigmatization, and undoubtedly the creation of a black market for those who do not obtain licenses. This increases the likelihood that sex workers who remain unlicensed will work under dangerous conditions.

In leading the workshop, Ms Basman made clear several advantages of decriminalization. In this scenario, all prohibitions against the acts relating to prostitution would be removed. Eliminating the fears of prosecution for peripheral charges would allow sex work-

ers to be secure in accessing their rights. For example, a sex worker who is assaulted would not feel they couldn't go to the police with a complaint because they were afraid of being arrested over an unpaid jaywalking ticket. Under decriminalization, sex workers would be entitled to the same rights and responsibilities as other workers, including the right to organize, to be protected from abuse and from health and safety violations.

The skill-building portion of the workshop involved a role playing activity in which groups (representing sex workers, community workers, police, politicians and neighbourhood residents) considered the questions of what goals they would like to achieve and what strategies they would use to pursue them.

To find out more about Stella, see their website at <http://www.walnet.org/csis/groups/stella/index.html>

The next John Peters Humphrey Human Rights Workshop, titled "État et situation des femmes en justice pénale" will be held on March 12th. It will include an introduction to the work of the Elizabeth Fry Societies, a portrait of criminal justice and its impact on women and the major challenges women face.

Please contact  
Abigail.Dubiniecki@mail.mcgill.ca for more information. ■

# feminism

a minor jurisprudence

& film

an exploration of feminist legal theory through a selection of features and documentaries

## *The People vs. Larry Flynt* February 20th

The story of Larry Flynt, creator of the magazine "Hustler" is hardly a feminist icon. This film clearly dramatizes the way in which pornography is argued about in terms of equality and free speech in US society.

ROOM 201, NCDH

STARTING AT 6:30PM

SPONSORED BY CANADA RESEARCH CHAIR IN LAW & DISCOURSE

For more information, contact:

Professor Manderson ([desmond.manderson@mcgill.ca](mailto:desmond.manderson@mcgill.ca)) or Véronique Bastien ([veronique.bastien@mail.mcgill.ca](mailto:veronique.bastien@mail.mcgill.ca))



# THE ISSUE

## CALL FOR SUBMISSIONS OPEN UNTIL MARCH 14, 2003

(Write an article over reading week...)

The premise of this magazine is to promote a more layered understanding of current global issues by publishing competing perspectives. The idea is to encourage people to read perspectives that they normally do not entertain. Often we read in order to reinforce what we already believe. The purpose of this magazine is to further a greater appreciation for the debate and complexities surrounding current controversial issues.

**The topics that we have chosen for the April publication of The Issue are:**

1- Given the prominence of the Palestinian/Israeli conflict in the media today and the emotional response this conflict evokes, to what extent, if any, has mainstream media skewed the facts, and what are the implications?

2- "Half of Canadians want the federal government to decriminalize possession of marijuana, and support for relaxed laws is not confined to the young." - Montreal Gazette, Thursday, January 2, 2003.

"American officials caution they may be forced to drastically slow trade across the northern U.S. border if the Canadian government relaxes its marijuana laws." -AP Oct. 15, 2002.

How should the Canadian government balance growing public support for the decriminalization of marijuana with the reality of its economic dependence on the U.S?

3- Police in the United Arab Emirates have charged a French woman, Touria Tiouli, born in Morocco, with having "adulterous sexual relations" after she complained she was gang raped by three men on October 14, 2002. In Dubai on a business trip, she went to celebrate her birthday at a popular international disco where she knew the manager. He introduced Tiouli to his friends who later offered her a ride home and raped her for several hours. The following day she went to the police to complain and instead was handcuffed and taken to prison for five days until she was released on bail. Under Islamic Shari'a law in UAE, women found guilty of adultery face a maximum sentence of 18-months in prison. A spokesman for the Union of French Citizens Abroad has said: "While she is French, she will be seen there as Moroccan and Muslim. In the United Arab Emirates, North Africans are really the lowest of the low." (The Globe and Mail, Saturday January 4, 2003).

How can laws based on cultural, religious and gender norms in different countries be reconciled in a global world without imposing a hegemonic view of what is 'right'?

4- The stated aim of Bill C36 (The Anti- Terrorism Act) is to ensure the maximum degree of balance between the prevention of terrorism and the protection of the rights of individuals. Some would argue that security itself is a pre-condition to liberty. Within the context of the Total Awareness Information program that is being considered in the Pentagon in the United States, is North America on the road to achieving that balance?

### BE A PART OF THE DEBATE.

We will be publishing 3 to 4 different perspectives on each topic. Submissions should be maximum 1000 words. Anonymous submissions will not be accepted.



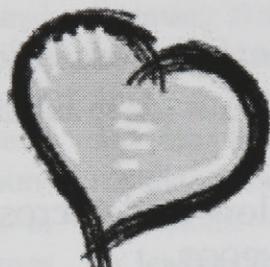
# Valentine's Day After Thoughts



*En attendant le vrai merle blanc... \**

*Je dois l'admettre, l'intensité du pseudo-Baudelaire de mon message de St-Valentin m'effraya énormément. "Ciel! Qu'ai-je fait?" me suis-je demandée tout en rappelant à ma mémoire chaque feuille que mon coeur d'artichaud avait distribué. La réponse au mystère m'appartient (...pas pour longtemps à la fréquence des interrogations!) mais je tenais à remercier du fond du coeur les galants qui, voulant me réconforter, m'avouèrent un péché qu'ils n'avaient pas commis. Merci! "Amoureusement" vôtre, Viviana.*

*\* Georges Brassens*



*A mon flamant rose,*

*C'était à mon tour de m'occuper du petit, selon notre accord de garde partagée. Je m'en suis bien occupée, ne t'en fais pas... Par contre, je lui ai fait goûter le coke chauffé et il n'a pas aimé. Je tâcherai donc de contribuer à la pension alimentaire avec des biscuits!*

*- Ta flamante rose*



*George B,*

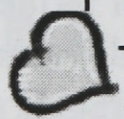
*Moi aussi je t'aime non plus...*

*- Saddam*



*Mon Mémor d'amour,  
J'ai passé une fin de semaine palpitante en ta compagnie. Je ne sais de toi que ce que tu me dis, et pourtant, je devine que bien plus se cache sous ton apparence mystérieuse... Je suis si heureuse de pouvoir plonger au coeur de ton sujet et de passer de si beaux moments en ta compagnie à la bibliothèque. Douce évasion d'esprit! Ce n'est qu'un au revoir,*

*- Ton admiratrice de première année*



*Me: Single male law student. Medium height and build with brown eyes and brown hair. My mother and both of my grandmothers tell me I am good looking (in truth, one of my grandmothers can't see that well anymore). I like movies, puppy dogs and ice cream. Speaking of dogs, I have a dog named Mike Darouky. I call him Mooky. If you ever meet him you should call him Mr. Darouky, just to be polite. I take him for walks in the park and sometimes I let little kids ride on his back, like a horse. Anyways, enough about Mooky, what else can I tell you about myself, I'm 28 years old, but am still very youthful and vigorous; I use Oil of Olay twice a day to reduce fine lines.*

*You: Ideally you are single, but if you're not, you should have a boyfriend who is very open minded and not jealous or violent in nature. You're not a smoker, except after sex, and then only for dramatic effect. Other than that, I am not too picky. GPA is unimportant. Cute friends are a definite asset.*

*If you want to get to know me better email [lawbachelor@hotmail.com](mailto:lawbachelor@hotmail.com)*





## Yearbook Looking For Photos

This year, McGill Law will be publishing a yearbook for the first time in several years. We are hoping to include as many pictures as possible, covering all the major events in the faculty. If you have any pictures, please drop them off in the LSA office -THEY WILL BE RETURNED. We are hoping to get pictures of all the intramural teams, major events like orientation, Law Games, coffee house, mooting competitions, anything that McGill Law has done that we want to remember.

Also, we are hoping for someone to help with publicity. If you are interested in helping out, contact MC Eldridge at [misseldridge@yahoo.com](mailto:misseldridge@yahoo.com).

## Med Fights Law and Law Wins

by Panger

Law once again reasserted its dominance over the faculty of medicine last Tuesday evening after Chico Resch whipped the Mutant Medmen 7-0. The Chico boys scored some pretty goals, but were considerate enough to allow their goalie to earn his first shutout of the year, giving up several breakaways and a handful of other quality scoring chances. Nonetheless, the outcome of the game was never in doubt. The only thing that kept the game interesting after the first few minutes was watching the refs ignore the Medmen's constant cheap shots at Chico players.

Dinesh scored a real goal scorers goal when he banked a shot off the goalie and into the net while standing with his back to the end boards. Greg "the lumberjack" Rickford not only continued to play solid defence, but managed to bank a goal off an opposing defenseman and beyond the Mutant goalie - whose only mutant power seems to be able to avoid

contact with rubber. Dennis was the playmaker of the evening, garnering four assists (although, how there were 19 assists on only 7 goals is a mystery only Chico players can explain). Mathieu once again was the perfect representative of Chico play. He scored two beautiful goals, but also picked up a retaliation penalty when he didn't just skate away from yet another Mutant slash. Of course, Mathieu was not alone - nearly every player either yapped at the ref or hit back. Even the goalie, nursing his first shutout of the year, knocked down an opposing forward after taking a wicked two hand slash to the back of the legs. Somewhat ironically, it was Killer who set the best example, refusing to retaliate even after a Medman nearly took his head off with a high stick to the head. With only one game left in the regular season, time is running out for Chico players to learn some discipline, a lesson that may become costly in the playoffs.

## Professor Sklar to be special guest on CKUT 90.3

Professor Sklar will be a special guest on Legalease Friday the 21st to talk about animal rights? The show airs at 11:30 a.m. on CKUT 90.3 FM and is hosted by Jeff Feiner, Justin Howell and Aaron Chase.



Le CPO Newsletter peut être consulté électroniquement. Si vous êtes de ceux qui ont des problèmes à le recevoir, vous pouvez tout de même le lire via les archives électroniques:

<http://lists.mcgill.ca/archives/lawstudent.html>.

Il est également affiché sur le mur face à l'entrée de la cafétéria.

The CPO Newsletter is posted on the web. If you have trouble accessing it, an electronic version from the archives is available at: <http://lists.mcgill.ca/archives/lawstudent.html>.

It is also posted on the bulletin board across from Pino's.



Le Quid vous souhaite de passer  
un bon congé et aurait bien aimé, lui  
aussi, aller à Cuba....

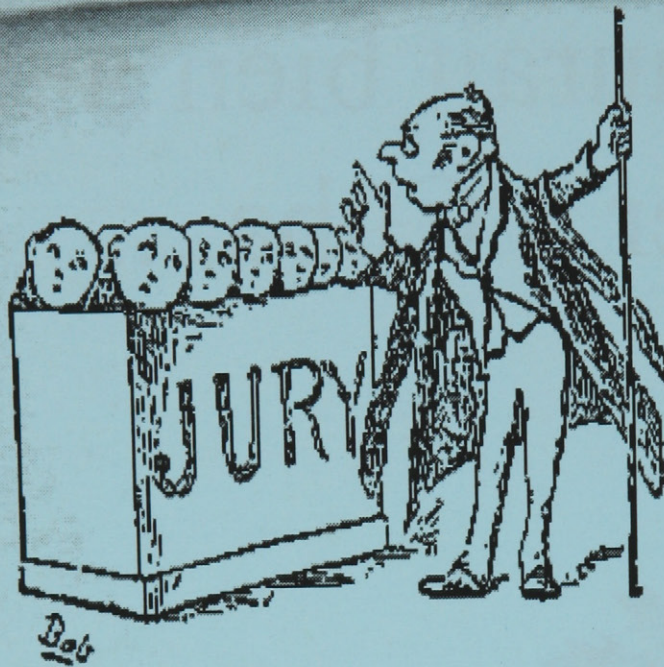


Next edition of the Quid is on the 4th  
of March. Send us your thoughts at :

[quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)



The Faculties of Law and Music present  
Gilbert and Sullivan's



*Trial  
By  
Jury*

ONE NIGHT ONLY  
SPECIAL PREVIEW PERFORMANCE  
FOR MCGILL STUDENTS AND FACULTY

**Date:** Tuesday, February 18<sup>th</sup>

**Place:** Moot Court, Chancellor Day Hall

**Time:** 8:00 p.m.

**Admission:** \$5

Tickets available at the door

*Performances of Trial by Jury have been a tradition for many years at the Faculty of Law. This year, the Faculties of Music and Law will come together to present this old favourite to our alumni.*

Hope to see you there!